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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,128	08/31/2001	Jonathan M. Traxler	082225.P5823	3008

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/945,128

Applicant(s)

TRAXLER, JONATHAN M.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/31/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/31/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Raymond et al hereinafter Raymond (US 6,108,697).

1. Referring to Claims 1, 12, and 16, Raymond discloses a first server (refer to Col 6, Lines 33-35) to restore a digital image (refer to Col 1, Lines 25-33) to a second server (refer to Col 6, Lines 35-37) after the initial payload has been installed (refer to Col 9, Lines 20-50), wherein the digital image is a file that contains a replica of the content of the second server (refer to Col 1, Lines 25-32); a network circuit (intergraded circuit, Col 6, Lines 42-58) associated with the first server, the network circuit to transmit the digital image over a network connection (refer to Col 9, Lines 50-67 and Col 10, Lines 1-2) to the second server (refer to Col 6, Lines 42-58); and response logic associated with the first server, the response logic to respond to a broadcast request of the second server to restore the digital image (refer to Col 9, Lines 5-67).

2. Referring to Claim 2, Raymond discloses a computer readable media associated with the first server, the computer readable media to store the digital image associated with the second server; the computer readable media partitioned to store multiple digital images (refer to Col 7, Lines 23-30 and Col 8, Lines 1-65).

3. Referring to Claim 3, Raymond discloses wherein the digital image associated with the second server possesses files added to the payload after the initial payload (refer to Col 9, Lines 20-50).

4. Referring to Claim 4, 15 and 18, Raymond discloses a computer readable media associated with the first server, the computer readable media to store digital imaging software to modify a digital image (configuration, refer to Col 6, Lines 1-20), the digital imaging software scripted to communicate in a protocol that a server could understand (refer to Col 7, Lines 15-30).

5. Referring to Claims 5 and 13, Raymond discloses wherein modify comprises rebuild (refer to Col 1, Lines 25-31).

6. Referring to Claim 6, Raymond discloses a web-viewing tool having a graphical user interface to add additional software files (it is inherent that the GUI

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interface is composed by the software program) into an existing digital image (refer to Col 6, Lines 1-20).

7. Referring to Claim 7, Raymond discloses wherein the second server can remotely pull the digital image from the first server (refer to Col 9, Lines 5-67).

8. Referring to Claim 8, Raymond discloses wherein a specific signature (it is inherent that server consists of read and writable function, which follows by the administration permission, and that is a type of signature) to allow a digital image to be modified is embedded on a chip in the first server (it is inherent that servers consists of hardware and which consists of chips, refer to Col 11, Lines 30 and Col 12, Lines 22-35).

9. Referring to Claim 9, Raymond discloses wherein the first server is a network appliance (refer to Col 6, Lines 33-35).

10. Referring to Claim 10, Raymond discloses an optical device coupled to the first server (refer to Col 5, Lines 45-55).

11. Referring to Claim 11, Raymond discloses wherein the optical drive to produce a digital image on a portable computer readable media (refer to Col 5, Lines 45-55 and Col 12, Lines 10-21).

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14. The method of claim 12, further comprising: storing two or more digital images on a partitioned memory (refer to Col 12, Lines 15-21).

12. Referring to Claim 17, Raymond discloses means for storing two or more digital images on a partitioned memory (refer to Col 12, Lines 15-21).

### ***Conclusion***

A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER